



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Date: JAN 28 2010

Joseph Symond, President
Bug Bam Products, LLC
414 2nd Street, Suite 241
Hermosa Beach, CA 90254

and

Jacob Levy, President
Flash Sales, Inc.
4401 NW 167th Street
Miami, FL 33055

Re: Federal Insecticide, Fungicide and Rodenticide Act
First Amended Complaint and Notice of Opportunity for Hearing
Docket No. FIFRA-09-2009-0013

Dear Mr. Symond and Mr. Levy:

Enclosed is the First Amended Complaint and Notice of Opportunity for Hearing concerning violations of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) by Bug Bam, LLC and Flash Sales, Inc. ("Respondents"). Specifically, the Amended Complaint alleges that the Respondents violated Section 12(a)(1)(A) of FIFRA by selling/distributing pesticides not registered pursuant to Section 3 of FIFRA. This matter is already pending in front of Administrative Law Judge (ALJ) Barbara A. Gunning as result of the U.S. Environmental Protection Agency, Region IX, (EPA) filing the original Complaint against Bug Bam on September 18, 2009. Through a January 7, 2010, Order, Judge Gunning granted EPA leave to file this First Amended Complaint.

You should be aware of the part of the Amended Complaint entitled "Opportunity to Request a Hearing." As Flash Sales is a new party to the proceeding, it is required to respond to this Amended Complaint within thirty (30) days of receipt of the Amended Complaint. Pursuant to 40 C.F.R. § 22.14(c), Bug Bam Products, LLC has twenty (20) additional days from the date of service of the Amended Complaint to file its amended Answer. Any failure to file an Answer to this Amended Complaint with the Regional Hearing Clerk within the identified time may constitute an admission of all facts alleged in the Amended Complaint and a waiver of your right

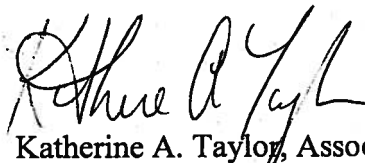
to a hearing. The proposed civil penalty shall become due and payable sixty (60) days after a final order is issued upon default.

Copies of the following documents are included for your information: 1) the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties; 2) EPA's Enforcement Response Policy for the Federal Insecticide, Fungicide, and Rodenticide Act dated July 2, 1990; and 3) ALJ Barbara A. Gunnings's Order dated January 7, 2010. Please note that the Civil Penalties Matrices in Appendix C have been modified by the Debt Collection Improvement Act of 1996, as implemented by the Civil Monetary Penalties Inflation Adjustment Rule.

In addition, please review the enclosed Small Business Regulatory Enforcement and Fairness Act ("SBREFA") Information Sheet that is designed to provide information on compliance assistance, as well as to inform small businesses of their rights to comment to the SBREFA Ombudsman concerning EPA enforcement activities. EPA is disseminating this information to you without making a determination that your business is a small business as defined by Section 222 of SBREFA or related provisions. Be aware that SBREFA does not eliminate your responsibility to respond to a complaint, information request, or other enforcement activity within the allowed time nor does it create any new rights or defenses under the law.

If you have any questions, please have your attorney contact Ivan Lieben, Assistant Regional Counsel at U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, California 94105. Mr. Lieben can be reached by telephone at (415) 972-3914.

Sincerely,

A handwritten signature in black ink, appearing to read "Katherine A. Taylor".

Katherine A. Taylor, Associate Director
Communities and Ecosystems Division

Enclosures

cc: Marlene Miller, California Department of Pesticide Regulation
Cheryn Jones, US EPA Region IV